

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 19,051
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Appeal of)
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INTRODUCTION

The petitioner appeals the decision by the Department of Prevention, Assistance, Transition, and Health Access (PATH) reducing her Reach Up Financial Assistance (RUFA) benefits by \$75 a month as a sanction for her and her husband's noncompliance with Reach Up work and training requirements. The issue is whether the petitioner and her husband failed without good cause to comply with those requirements.

FINDINGS OF FACT

1. The petitioner and her husband began receiving RUFA benefits around March 2004. As a condition of receiving such assistance they understood that they were required to participate in the Reach Up program. At that time the petitioner was in the latter stages of pregnancy.

2. The petitioner and her husband attended an initial meeting with their Reach Up caseworker on March 16, 2004. At that time they were scheduled for an assessment meeting on March 24, 2004.

3. When the petitioner and her husband failed to attend this meeting, and did not call, the next day their Reach Up worker scheduled them for a conciliation meeting on April 5, 2004.

4. The worker sent the petitioner notice of the reconciliation meeting by certified mail. The Department's records show that the notice was returned unclaimed. The petitioner maintains that she never received this notice, but she did not allege that she was not notified that there was a certified letter from the Department of PATH awaiting her at the post office.

5. When neither the petitioner nor her husband appeared for the meeting on April 5, and did not call, the Reach Up worker referred the case to PATH for sanction.

6. On April 6, 2004, PATH sent a notice (by regular mail) imposing a sanction of \$75 a month on the petitioner's RUFA grant effective May 3, 2004 for her failure to participate in Reach Up. The petitioner does not dispute that she received this notice.

7. Despite the above notice, the petitioner made no effort to contact her Reach Up worker. On April 29, 2004, she filed this appeal. As of the date of the hearing in this matter (May 26, 2004) neither the petitioner nor her husband

had contacted Reach Up since their initial meeting on March 16, 2004.

8. The petitioner gave birth to her child on April 1, 2004. She does not claim that her husband has ever been prevented from attending meetings with Reach Up, or that she or he was unable to call their worker during the period in question.

ORDER

The Department's decision is affirmed.

REASONS

Included in the "types of noncompliance" in the Reach Up regulations is the failure or refusal to "attend or participate fully in (Reach Up) activities." W.A.M. § 2370.1. Section 2372 of the regulations provides: "If a participating adult, including a minor parent, fails to comply with services component requirements, the department shall impose a fiscal sanction by reducing the financial assistance grant of the sanctioned adult's family." The regulations further provide that the conciliation process shall be "determined unsuccessful when the individual . . . fails without good cause to respond to one written notice of a scheduled conciliation conference". W.A.M. § 2371.4. This regulation

further provides that the sanction process begins when conciliation is unsuccessful. The initial (i.e., the first three months) sanction amount is \$75 a month per individual participant.

In this case, even if the petitioner and her husband were unaware of the scheduled reconciliation meeting on April 5, 2004, it was solely because they failed to claim the certified letter sent by the Department. The petitioner admits that she and her husband failed to attend the scheduled meeting on March 24 and that she and her husband made no effort to contact their worker at Reach Up after their initial meeting on March 16, 2004--even after they received the April 6 notice of sanction.

It must be concluded that this prolonged and deliberate lack of contact with the Department constitutes an unsuccessful conciliation within the meaning of the above regulations. Under the regulations this is sufficient to support the Department's decision to impose a \$75 a month sanction on their RUFA grant, and the Board is, therefore, bound to affirm the Department's decision.¹ 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

¹ At the hearing in this matter the hearing officer and the Department informed the petitioner that under the regulations she and her

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husband can "cure" any sanction by complying with all applicable service components of Reach Up for a period of two consecutive weeks. (See W.A.M. § 2373.12.)